



12-26-06

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of	)	
JOHN J. TOBEN, ET AL.	)	Examiner: Garcia, Ernesto
	)	Group Art Unit: 3679
on DUCT FASTSEAM	)	
	)	
Serial No.: 10/688,734	)	Confirmation No. 2477
	)	
Filed on: September 23, 2003	)	(Our Docket No. 6006-0141-1)

Mail Stop AMENDMENT  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

SIR:

In response to the Office Action mailed September 26, 2006, the time for response extending to December 26, 2006, Applicants respectfully request reconsideration of the existing rejection in view of Applicants' amendments and remarks below.

## Amendments to the Specification

### Pages 8- 9

Please replace paragraph 43 beginning on page 8 and continuing onto page 9, with the following:

Figure 5 illustrates one half of a fastseam 200 which also does not require the use of a hammer or the like during its initial assembly, according to another embodiment of the present invention. As depicted in Figure 5, the fastseam 200 includes a female portion 202 which is formed by repetitively bending, or roll forming, the duct material, typically sheet metal or the like, back upon itself so as to form an open fold 204. The open fold 204, in association with a substantially parallel fold 208, serves to define a female groove 206, wherein the open fold 204 includes a sealing portion/ fold 220 bent at an angle to the open fold 204 prior to a male portion of the fastseam being inserted into the female groove 206. The sealing portion ~~[[206]]~~ 220 may then be bent in the direction of arrow E in order to completely seal the fastseam 200 after the unillustrated male portion is inserted into the female groove 206.

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Canceled)
2. (Canceled)
3. (Canceled)
4. (Canceled)
5. (Canceled)
6. (Canceled)
7. (Canceled)
8. (Canceled)
9. (Canceled)
10. (Canceled)
11. (Canceled)
12. (Canceled)
13. (Canceled)

14. (Canceled)

15. (Canceled)

16. (Canceled)

17. (Canceled)

18. (Canceled)

19. (Canceled)

20. (Previously amended) A method for forming a seam for ductwork having a male end portion integrally formed at a distal end of a duct wall, said method comprising the steps of:

integrally forming a female end portion at another distal end of said duct wall;  
and

integrally forming said female end portion includes bending a first fold beginning at a break point of said duct wall to extend at a hemmed angle towards an interior of said ductwork, bending a second fold back upon said first fold to extend substantially adjacent to said break point, bending a third fold beginning substantially adjacent said break point and extending substantially parallel to said duct wall, and bending a fourth fold back against said third fold to define a female groove for accommodating said male end portion therein.

21. (original) The method for forming a seam for ductwork according to claim 20, said method further comprising the steps of:

integrally forming a sealing fold at a distal end of said fourth fold; and  
bending said sealing fold to be transverse to said female groove prior to said male portion being inserted into said female groove.

## REMARKS

Claims presented for prosecution in this Application are claims 20-21, claims 12-16 being canceled by the present amendment. Claims 20 and 21 have been allowed. In view of Applicants' remarks below, Applicants respectfully submit that claims 20-21 are in condition for allowance. Accordingly, Applicants respectfully request that the present Response be considered and entered, the rejections to the claims be withdrawn, and that the case now be passed to issue.

### The Drawings .

Applicants acknowledge the Examiner's indication that the previously submitted drawings have been accepted.

### The 35 USC 112 Second Paragraph Rejection of Claims 12-16

The Examiner has rejected claims 1 and 12-16 as being indefinite, as failing to provide proper antecedent basis for the claimed subject matter.

In response to Applicants' previously submitted arguments on this point, the Examiner maintains that although the specification does, in fact, support the recitation contained within claim 12, the drawing figures do not reflect the content of the specification and claim 12 on this issue.

Applicants respectfully traverse any such interpretation of the present specification and drawing figures, however merely in an effort to advance prosecution, Applicants have canceled claims 12-16.

In light of the cancellation of claims 12-16, Applicants respectfully request that the outstanding 35 USC 112 second paragraph rejection of claims 12-16 now be withdrawn.

**The 35 USC 102(b) Rejection of Claims 12-16 over Van Huffel**

The Examiner has rejected claims 12-16 as being anticipated by Van Huffel. In response, Applicants respectfully assert that Van Huffel does not disclose, at least, each and every aspect of newly amended independent claim 1.

Moreover, although claims 12-16 were rejected over Van Huffel, there appears to also be a rejection of claims 12-16 on the basis of Iizuka. Thus, it is not clear or understood whether claims 12-16 are rejected over Van Huffel, over Iizuka, or both.

Regardless, and without conceding to the validity of the outstanding rejection and merely in an effort to advance prosecution, Applicants have canceled claims 12-16.

Applicants therefore believe the outstanding rejection of claims 12-16 to be moot, and respectfully request that the outstanding rejection be withdrawn.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docking Number

10/688,734

## APPLICATION AS FILED - PART I

(Column 1) (Column 2)

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.18(a), (b), or (c))		
SEARCH FEE (37 CFR 1.18(b), (d), or (e))		
EXAMINATION FEE (37 CFR 1.18(a), (b), or (d))		
TOTAL CLAIMS (37 CFR 1.100)	34 minus 20 =	14
INDEPENDENT CLAIMS (37 CFR 1.18(b))	4 minus 3 =	1
APPLICATION SIZE FEE (37 CFR 1.18(d))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.18(e).	

## SMALL ENTITY

OR

## OTHER THAN SMALL ENTITY

RATE (\$)	FEE (\$)
	385
x 9 =	117
x 43 =	43
145	
TOTAL	545

RATE (\$)	FEE (\$)
	770
x 18 =	
x 86 =	
290	
TOTAL	

\* If the difference in column 1 is less than zero, enter "0" in column 2.

## APPLICATION AS AMENDED - PART II

(Column 1) (Column 2) (Column 3)

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.100)	6	20	1
Independent (37 CFR 1.100)	4	5	1
Application Size Fee (37 CFR 1.18(e))			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.100)			

## SMALL ENTITY

OR

## OTHER THAN SMALL ENTITY

RATE (\$)	ADDITIONAL FEE (\$)
x	
x	
TOTAL ADD'L FEE	

RATE (\$)	ADDITIONAL FEE (\$)
x	
x	
TOTAL ADD'L FEE	

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(Column 1) (Column 2) (Column 3)

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.100)	2	20	1
Independent (37 CFR 1.100)	1	5	1
Application Size Fee (37 CFR 1.18(e))			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.100)			

RATE (\$)	ADDITIONAL FEE (\$)
x 25 =	
x 100 =	
180	
TOTAL ADD'L FEE	

RATE (\$)	ADDITIONAL FEE (\$)
x 50 =	
x 200 =	
360	
TOTAL ADD'L FEE	

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

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